

## KIRBY ASKS \$25,000 FOR SON'S DEATH

Andy Poff, J. C. Gilbert and Bera Fair Defendants in Suit Filed by A. Floyd Byrd

An interesting suit for damages has been filed in the office of Circuit Clerk James W. Wagers. It is brought by Attorney A. Floyd Byrd, of Lexington, on behalf of J. J. Kirby, father of young Jasper Kirby who was shot to death by Constable Andy Poff at the Bera Fair last fall. As administrator of his son, Mr. Kirby asks \$25,000 damages from Poff, J. C. Gilbert, and the Bera Fair Association. There was some testimony brought out at the trial of Poff that Gilbert had instructed him to arrest young Kirby. Gilbert denied this on the stand at the time of the trial. Gilbert was an officer and a director of the fair association, and the trouble occurred on its grounds. Poff was given 10 years in the penitentiary for the killing, and is now at Frankfort serving his sentence.

Attorney Byrd, who is bringing the suit for Mr. Kirby, was recently in the Wm. case at Harlan county, and also was connected with the Hargis prosecution in Breathitt county a number of years ago. The petition as filed by him in the local court, and which will probably come up at the May term, sets forth the case as follows:

Plaintiff vs. Petition. Madison Circuit Court. J. J. Kirby, Administrator of the estate of Jasper Kirby, deceased, Andy Poff, J. C. Gilbert and Bera Fair Association, Defendants.

The plaintiff, J. J. Kirby, states that on August 5, 1920, his intestate, Jasper Kirby, then a resident and citizen of Madison county, Kentucky, departed this life in said county intestate, having been shot and killed by the defendant, Andy Poff; that on the day of November, 1920, this plaintiff was by the order of the Madison county court appointed administrator of the personal estate of said Jasper Kirby, deceased, and pursuant to said order he executed bond as such and took the oath of office prescribed by law, which bond was approved by the court; by reason of this the plaintiff became and is now the duly appointed, qualified and acting administrator of the personal estate of the said Jasper Kirby, deceased. A certified copy of said order is filed herewith as part thereof, marked "A."

The plaintiff says that defendant, Bera Fair Association, now is and was at all times hereinafter mentioned, a corporation created by and existing under and by virtue of the laws of Kentucky and authorized to sue and be sued by its corporate name above mentioned and was at the time hereinafter mentioned operating and conducting a fair at or near Bera, Madison county, Kentucky.

The plaintiff further states that on the 5th day of August, 1920, the defendant, Andy Poff, in Madison county, Kentucky, unlawfully, willfully, maliciously and feloniously shot, killed and murdered the said Jasper Kirby with a pistol, a deadly weapon, loaded with powder and lead and ball and not in self-defense or apparently necessary self-defense, from which shooting the said Jasper Kirby died immediately.

The plaintiff further states that at the time of the said shooting, wounding and killing of the said Jasper Kirby by the defendant, Andy Poff, J. C. Gilbert, was then and there present and did wrongfully, unlawfully, willfully, maliciously, carelessly and negligently and without right, order, direct, encourage, advise, aid and abet the said Andy Poff to do said shooting, wounding and killing of the said Jasper Kirby, and but for the orders, directions, encouragement, advice, aiding and abetting of the said Andy Poff by the said J. C. Gilbert the said Andy Poff would not have killed and murdered the said Jasper Kirby.

The plaintiff further states that at the time of the shooting and killing of the said Jasper Kirby by the said Andy Poff and at the time of the said aiding, encouraging and ordering of the said killing as aforesaid by the said J. C. Gilbert the said Jasper Kirby and Andy Poff and J. C. Gilbert were on the fair grounds owned, con-

## Today's Livestock Markets

Cincinnati, March 11.—Cattle strong; hogs steady; Chicago 28,000; steady.

## The Weather

Increasing cloudiness, followed by local rains late tonight or Saturday; warmer tonight.

## RAILROADS TO CUT WAGES WHOLESALE

(By Associated Press) New York, March 11.—The general move by the nation's railroads to cut the war-time scales, long forecast by railroad officials, appeared in full swing today. The first move apparently affects only unskilled and semi-skilled labor. Men engaged in the actual operation of trains, telegraphers and station agents are not included. The New York Central, New Haven and a number of others in the east and practically every road in the west have already announced their intention to cut wages.

## Railroads Need Reductions To Prevent Bankruptcy

(By Associated Press) Chicago, March 11.—Virtually all the larger western railroads have swung into line in the policy started a few days ago by several eastern railroads taking steps to reduce war-time wage scale. Unskilled employees' reductions will be urged, railroad officials said, to keep the roads out of bankruptcy and enable them eventually to reduce traffic rates which are now said to be more than "the public can bear." At the same time came a statement from officials of the Association of Railway Executives, that lower rates of pay for skilled workers probably will be sought after the wages of unskilled men are set.

## Great Western Cuts 20 Per Cent

Chicago, March 11.—The Great Western took the lead among western lines by announcing it proposed a pay reduction of 20 per cent for every employee from President down. B. M. Jewell, chairman of the railroad department of the American Federation of Labor, today said he knew the wage reduction proposition was coming but would make no formal statement.

## BURLEY SALES IN STATE IN FEBRUARY

The report of sales of burley tobacco, as shown by the monthly report of all warehouses in Kentucky for February, to the State Agricultural Department, shows:

Burley tobacco sold for growers—85,004,859 pounds, for \$11,367,455.20; average \$13.16. Burley sold for dealers: 2,754,599 pounds, for \$408,465.51, average \$14.86. Burley resale—6,204,983 pound, \$699,925.26, average \$11.28. Total burley and average—94,865,441, for \$12,415,845.03, average \$13.08.

trolled and operated by the defendant, Bera Fair Association, at which time a fair was being conducted by said association and at the said time the said J. C. Gilbert was an officer and director of said association and the said aiding, advising, encouraging and directing of the said Andy Poff to so shoot and kill the said Jasper Kirby was done by the said J. C. Gilbert as an agent and officer and employee of the defendant, Bera Fair Association, and was done while acting in the line of his duty and the scope of his employment as an agent, officer and director of said Bera Fair Association and on its behalf.

Plaintiff further states that by reason of the wrongful and unlawful killing of his intestate, as above stated, he and the estate of the said Jasper Kirby has been damaged in the sum of twenty-five thousand (\$25,000) dollars.

Wherefore, plaintiff prays judgment against the defendants, Andy Poff, J. C. Gilbert and the Bera Fair Association for the sum of twenty-five thousand (\$25,000) dollars for his costs herein expended and for all proper relief.

The affiant, J. J. Kirby, says that the statements of the foregoing are true as he believes.

Dr. Pryor, Veterinarian, phone 952

## BANDITS TIED JEWELER; SHOT HIM TO DEATH

(By Associated Press) New York, March 11.—Two armed bandits today entered the Eighth Avenue jewelry store of Abraham Harris, tied his hands, and shot him to death and escaped, with several trays of diamonds.

## MAYS IN RACE FOR BASTIN'S PLACE

A dispatch from Frankfort Thursday said that a lively fight in the Eighth district over the selection of a successor to Henley V. Bastin as republican committeeman for the Eighth district, is expected at Danville Saturday. The contest, apparently, is within the state administration, the Commissioner of Agriculture, Wm. Hanna, and W. O. Mays, State revenue agent, being the candidates. Mr. Bastin resigned from the committee to accept the appointment as superintendent of the Frankfort reformatory.

## BASTIN SAYS HE'LL WORK DEMOCRATS

Frankfort, Ky., March 11.—The personnel of the Frankfort reformatory force will be equally divided between democrats and republicans, it was announced today by Henley V. Bastin, who will become superintendent March 15. He will add to the force only democrats until the two parties are equally represented.

Mr. Bastin adopted this course, he said, because he is convinced that any effort on his part to disregard politics in appointments would be misunderstood or misconstrued with democrats suspicious of his motives and republicans expecting him to be a partisan.

His plan is the same as that adopted by Supt. John Chilton at Eddyville, who is a democrat. This does not mean that any republican will be discharged to make room for democrats or that Socialists or Independents will be ignored, he explained.

The prison will be non-partisan in its management, which means that political activity on the part of employees will not be countenanced and there will be no collection of campaign contribution from them.

## MADISON MAN BUYS MULES IN GARRARD

Dean and Burton, of Garrard, sold during the past week several nice teams of mules, among them one pair to Cecil Beaty, of Marcellus, for \$525, says the Lancaster Record. They also closed a deal with N. W. Rogers, of Madison, for 11 head of choice ones for a total of \$2,200.

## Aged Mrs. Gay Dies in Clark

Winchester, Ky., March 11.—Mrs. Watt M. Gay, 82 years old, died Thursday of pneumonia. Her husband, to whom she had been married 64 years, and three children—J. H. Gay, of Clark county; Mrs. G. R. Thompson, of Chattanooga, Tenn., and Mrs. B. V. Jones, of Fayette county—survive.

## Captain Williams Is Ordered to China

Lexington, Ky., March 11.—Captain Roger Williams, U. S. A., son of General Roger Williams, of this city, retired, who has been stationed for some time at Fort Wright, Spokane, Wash., has just been ordered to China to be stationed with the Fifteenth regiment at Tientsin. His orders give May 5 as the time for sailing, according to a telegram received here.

## Block coal \$8 per ton delivered in city; \$7 at yards. L. O. Powers, Francis street, phone 180. tf

Receiving daily fresh New-lights, Cat Fish, Salmon, Carp, Halibut, Herring—NEFF'S Fish and Oyster House, Phone 431. th fri sat

## SUNDAY SAYS HE'S STRONG FOR SWITCH

Famous Evangelist At Cincinnati Talks About "Home" To a Crowded House

Billy Sunday turned 'em away again at his night service in Cincinnati Thursday. Mr. Sunday eulogized the mother for the part she has taken in the upbuilding of mankind in his sermon. With "Home" for his subject, he painted a glowing contrast between the home with good mother and the home in which the mother and the father display neglect, and he painted the scenes with some of the most effective phrases he has used thus far in the meetings.

Sunday plainly had no faith in a woman who, he says, "talks of heaven and makes hell out of her home."

"When a boy begins to hang his hat over one ear and hit the cigarettes and booze, and calls his father the 'old man' and puts in a good share of the night in chasing some chicken down the Great White Way, and trying to win a jackpot on a pair of fours, and lays up against a quart of red eye in some suds parlor, and crawls into the hay from the last dance with a three-step headache, it's dollars to doughnuts that some cheap skate of a sport has called upon him to assert his independence of that string dangling from his mother's waist line known as the apron string," Sunday said.

"But, say," he continued, "the fellow who allows himself to be lured into a cheap imitation of a three-carat sport is a weak sister, take it from me. The indifference of some fool parent helps the game along."

"The father who crawls under the blankets at eight o'clock and allows his son to give the cops a merry chase until the cocks crow will need a four-section fire ladder to get a look into hell."

"But I've noticed this—that the boy who is tied to his mother's apron strings, who can't tell four aces from a load of alfalfa—that when there are forty applicants for the job he goes home with the blue ribbon and tagged 'No. 1' and the sporty guy with the green vest and the spats, a silt lid, puffy eyelids—well, he looks as good to a baldheaded business man as a counterfeit dollar."

"I would rather be a hundred-time over (and I would rather have my boy, and I know you would yours), tied to my mother's apron strings than hooked up to an appetite for sixty-cent booze and a consuming desire to steal the next jackpot on a pair of fours."

Sunday swatted in the direction of the "little sissies" who rebel when their mothers tell them to do something.

"What these girls need is a good, brisk massage with a white oak shingle," he declared, amid a roar of laughter.

Sunday urged parents to make themselves the companions of their children; he pictured the deceit that the fathers and mothers continually are placing before their children and then wondering where the children learned to lie—illustrating the point with a familiar example of women calling on each other with a strikingly humorous representation of the woman's kiss—a "smack, smack, smack," that is deceptive in itself.

Sunday spoke at length on the home relations and duties of a father and a mother, and was outspoken in a plea for higher salaries for school teachers and preachers.

"We let the moral training go to our school teachers and our Sunday school teachers," he asserted. "I have never aspired to hold but one office, and that is to be a member of the school board, and the first thing I would do would be to raise the salaries of the teachers and pay them 12 months in a year."

"It is a disgrace and an insult, the salaries we pay our preachers and the public school teachers in America, the two most indispensable people on earth."

Sunday also believes in the liberal use of the hickory switch in the education of the child, advocating its use at several points in his sermon. One of these was: "Many a boy or girl is punish-

ed by being sent to prison, when all they need is a good spanking and to be sent home," he declared. "If I were a Judge I'd never put a boy or girl behind prison bars for the first offense. I'd give some of them a sentence, but I'd suspend it, and the results would justify me every time."

"Now, I don't believe in licking the kids all the time, but there are homes that need that hickory switch hanging about handy, and above it the motto: 'I need thee every hour.'"

"The trouble is that men and women are going too far away from home, and the boys and girls in trying to follow them are making wrecks that would make the angels weep," he added.

The sermon was ended with a graphic description of the return to America and burial of the body of John Howard Payne, who is responsible for the song and the words, "Be it ever so humble, there is no place like home," a male choir on the stage singing the song at the conclusion of the sermon.

At his afternoon service, Sunday said: "I have known many a young fellow that had a great success who had a father whose name was anything but decent, but I never heard of one who made very much of a success when he had a sort of good-for-nothing, frappe, rizzle-headed, cigarette-smoking flip for a mother," he said in his sermon.

Sunday told of the magnificent temples erected in Biblical days as temples of worship and, among others, of the one that Solomon erected with the labor of 183,000 men at a cost of \$500,000,000 in present day currency.

"God Almighty is entitled to the finest buildings that the wealth and skill of men can erect," Sunday declared.

The afternoon audience was larger than the one of the afternoon before, but did not fill the 7,000 seats.

"I despise to go into a city and see a magnificent building erected for a club and a disreputable building used as a church. I am one of the kind that doesn't think we can get the churches too fine because God owns the world—the devil does not and never has."

Sunday gave another touch of his life history in a discussion of personal habits.

"I used to drink—only got drunk two or three times—used to go over the Rhine when I came to Cincinnati, but now I can say I haven't touched a drop of liquor or beer for 30 years," he said.

"I used to play cards like the rest of you, and lie and cheat as much as any of you, but I haven't had a pack of cards in my hand from the day I was converted to this."

"I used to go to the theatre but the last play I saw was Joseph Jefferson in 'Rip Van Winkle,' and if the plays were all as clean as his there would never be the kick against the theatres that there has been."

## DAUGHERTY TO LOOK OVER PALMER RULING

(By Associated Press) Washington, March 11.—An early review by Attorney General Daugherty, of the recent ruling of Attorney General Palmer making valid prescriptions of been as medicine under the Volstead act, is expected. Daugherty says he is aware "the whole country is interested." He will probably give the opinion careful study. Regulations to accord with Palmer's opinion are being drafted by the Internal Revenue Bureau. Regarding the general subject of prohibition enforcement, Daugherty added he has his own views but declined to disclose them.

## Deputy Marshal Here

Deputy U. S. Marshal George B. Caywood was here Friday morning returning to Covington from federal court at Jackson. Mr. Caywood is one of the most popular and efficient men in the service.

SUNDAY NIGHT SERVICE at METHODIST CHURCH PROMPTLY AT 7 O'CLOCK INSTEAD OF THE VESPER SERVICE Remember this change in service and come out Sunday night. Strangers welcomed.

## May Festival Notice

A full attendance of the members of the May Festival Music Club is desired by Prof. S. S. Myers, the director, at the Normal chapel this evening (Friday) at 7 o'clock.

## PECULIAR SHOOTING AFFRAY IN CITY

(By Associated Press) Louisville, March 11.—A motion picture Michael Burke be admitted to bail will be heard in police court tomorrow. Burke is charged with murder in connection with the death of Walter Roundtree, his neighbor, who died last night of gangrene poisoning after being shot in the knee. Burke today refused to discuss the affair. Mrs. Burke is quoted as saying Roundtree pursued her with unwelcome attentions. Roundtree before his death asserted he was shot by a chicken thief at his own home.

## Can't Find Booze Bandits

(By Associated Press) Newport, Ky., March 11.—The police today announced that they have failed to find any trace of the bandits who engaged in the pistol battle with guards on the two whisky trucks here yesterday. Norman Ashcraft and Elmer McCabe, who were shot in the fight are in a serious condition today. Federal officers are investigating the incident believe bandits intended to drive the guards away and seize the trucks.

## Porter Investigating West Kentucky Prescriptions

(By Associated Press) Lexington, March 11.—Chief Prohibition Inspector J. Sherman Porter announced today a hearing will be held next week in the cases of 12 doctors and seven druggists in Owensboro and Henderson, charged with violation of rules regarding prescribing whisky. Monday and Tuesday ten doctors and five druggists will be heard in Owensboro and on Wednesday two doctors and two druggists in Henderson.

## Rewards For Slayers

Frankfort, Ky., March 11.—Gov. Morrow today offered a \$250 reward for the arrest of John Flanery, charged in Letcher county with having killed Wiley W. Jenkins, at Whitesburg, on February 26. He also offered a \$250 reward for Robert Asen and \$100 for Burnett Isom, accused of slaying Solomon Hampton, in Letcher county.

## Kills 3 Children and Herself

(By Associated Press) Lowell, Wyo., March 11.—Mrs. James Watters, wife of a prominent ranchman of Big Horn Basin, last night shot and killed three of her children and wounded three others, one of whom died today, and reloading the revolver, killed herself.

## KINGSTON

Kingston graded school will open Monday, March 14. We are sorry that school could not open last Monday, but because of my mother's illness, and the illness of Miss Hope Hubbard, the assistant teacher, were unable to begin at that time.

I'm grateful to report Miss Hubbard getting along well and mother improving. She is now able to sit up part of the time.

Let this be a warning to you to get your knowledge machines well oiled ready for running in fine order by Monday morning. See that every book is dusted and in its place and every thing in readiness, so you can be at school on time the first morning ready to begin two months of the best work you have done this year.

Parents, it is up to you to see that your boys and girls get the greatest possible benefit from the remaining two months of your school. First, you must see that he is there each day; second, encourage him in his studies at home and have him study day and night; third don't be a knocker but a booster; fourth, visit the school and see what we're doing. Don't come only to criticize and knock but to encourage and to boost. Sincerely your principal, ANNA POWELL.

## INCENDIARISM MAY HAVE CAUSED FIRE

But Sam Jones Thinks Hot Ashes Ashes Piled by Wooden Stairway May Have Been Cause

Al Bolling, of Louisville, insurance adjuster, was in town Friday arranging for settlement and payment of the insurance policies on Caldwell graded school which burned Wednesday morning. Mr. Bolling is an alderman in the city of Louisville. While here he will also settle insurance due the Richmond Buick Company plant which was badly damaged by fire shortly over a week ago.

Theories that the Caldwell school fire was caused by the furnace or started in the furnace room are being dissipated as investigations are made. Supt. John Howard Payne says that evidence is accumulating which tends to the suspicion that the fire may have been of incendiary origin. He says that there is nothing now to sustain the original theory that fire was started in the furnace room or might have been caused by electric wires. He says that a box of matches in the furnace room was never ignited. The fire seems not to have reached that room at all.

A member of the State Fire Marshal's office was also here this week looking into the fire.

Sam Jones, who has been janitor for many years but was off at the time of the fire, visited the school Friday. He told Mayor Evans that it looked to him like hot ashes had been piled against the wooden stairway which went from the outside to the cellar. Red hot ashes might have ignited the wood, and the flames eating into the building below, may have started that way, he told the Mayor.

Meantime Supt. Payne is making every arrangement for the resumption of school work Monday. After a meeting of the faculty Saturday afternoon at three o'clock he hopes to be able to announce where the various grades will assemble for studies.

## Centre Beats Johns Hopkins

Baltimore, Md., March 11.—Centre College nosed out Johns Hopkins five by a score of 26 to 23, here Thursday night. Hopkins put up such a fight in the first session that it led the Kentucky tossers 18-17. Centre had to battle to win. The team which had humbled Harvard and Brown was made to feel Hopkins' punch in a game in which the local squad showed up finer than in any contest this season. It was the final game for the Homewood lads.

## More Appointments

(By Associated Press) Washington, March 11.—The Senate today confirmed the nominations of D. R. Crissinger, of Marion, Ohio, to be Comptroller of the Currency. The President today nominated John J. Esch, of Wisconsin, and Mark W. Potter, of New York, as members of the Interstate Commerce Commission.

## "WAIT'LL YOU SEE"

The charm of the Rosebud Garden of Girls, surrounding the Novelty Table will lure you. And there will burst upon your enraptured gaze a world of beautiful and unusual Easter gifts for the favored friend. Here we see attractively displayed, corsage bouquets made of ribbon, glorified shoe bags and trees, dainty handkerchiefs, coat hangers, collars and cuffs and to cap the climax, new laid eggs—all colors—supplied by Brer Rabbit. There are other things but: "You tell 'em Dot, you've got the goods."

Miss Dorothy Perry is chairman of this table, assisted by her committee, Mrs. Tom McCown, Mrs. Overton Harber, Miss Elizabeth Burnam, Miss Mary Louise Deatherage, Miss Elizabeth Turley, Pattie A. Clay Easter bazaar, Saturday morning, March 26, Masonic Temple.

Receiving daily fresh New-lights, Cat Fish, Salmon, Carp, Halibut, Herring—NEFF'S Fish and Oyster House. Phone 431. th fri sat